



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION VII
901 N. 5TH STREET
KANSAS CITY, KANSAS 66101**

04 DEC 2003

**OFFICE OF
THE REGIONAL ADMINISTRATOR**

Stephen Mahfood, Director
Missouri Department of Natural Resources
Jefferson State Office Building
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Mr. Mahfood:

On July 8, 2003, we received a request from Missouri to flag the ozone air quality data collected at the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas City for the days of April 12 and 13, 2003. In addition, we now have all of the quality assured, ozone air quality data for the Kansas City area for 2003. Our intention is to respond to your nonattainment recommendations for the Kansas City area no later than December 12, 2003. At that time, we will also respond to your request to flag the aforementioned data.

If you have any questions, please do not hesitate to call me at (913) 551-7006 to further discuss this matter. Alternately, you may contact Art Spratlin of my staff, who may be reached at (913) 551-7401.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Gulliford".

James B. Gulliford
Regional Administrator

cc: Mrs. Leanne Tippet
Missouri Department of Natural Resources



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Stephen Mahfood, Director
Missouri Department of Natural Resources
Jefferson State Office Building
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Mr. Mahfood:

Thank you for your letter of August 7, 2003, that contained Missouri's recommendations for air quality designations for the 8-hour national health-based standard for ground-level ozone, and the supplemental materials enclosed with the recommendations which provided additional support for the designations. We will address the Kansas City area recommendations in a separate letter. This letter addresses your recommendations for the areas in Missouri except the Kansas City area. The Missouri Department of Natural Resources' work with the Kansas City and St. Louis communities and with the State of Kansas to develop a community-based recommendation was unique nationally. This working relationship with the communities should be helpful in the future. The State's submittal is the first step in our working cooperatively to designate areas in which the air standards have not been attained and to designate as attainment those areas with clean air.

Consistent with section 107(d)(1) of the Clean Air Act (CAA), this letter is to inform you that the U.S. Environmental Protection Agency (EPA) intends to make modifications to Missouri's recommended designations and boundaries included in your letter of August 7, 2003. If you would like to provide additional information about the areas in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final designations by April 15, 2004.

The CAA defines a nonattainment area as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. The EPA guidance indicates that Missouri should use the larger of the Consolidated Metropolitan Statistical Area (CSMA), Metropolitan Statistical Area (MSA), or the 1-hour ozone nonattainment or maintenance area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance then provides 11 factors that Missouri should consider in determining whether to modify the presumptive boundaries. Consistent with this guidance, several basic principles have guided the Agency's efforts to ensure consistent treatment of areas across the country. These principles include the following:

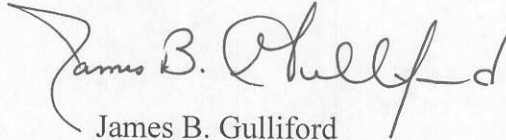
- Ozone is a Regional problem needing Regionwide solutions; it is not a small area problem. Therefore, small free standing nonattainment areas around a violating monitor are not acceptable.
- A county with a violating monitor within a CMSA or MSA should be designated nonattainment in its entirety unless a thorough justification, based on the 11 factors in our guidance, is provided for including less than the entire county.
- A county with a violating monitor should be designated as nonattainment in its entirety if it is adjacent to a CMSA or MSA. Whether the county should be a free standing nonattainment area or included in the nearby nonattainment CMSA or MSA should be determined on a case-by-case basis. Attaching only a small portion of a violating adjacent county to a nonattainment area, so as to include only the area with the violating monitor, is not acceptable.
- An entire county rather than a partial county should be designated nonattainment unless a thorough justification, based on the 11 factors in our guidance, is provided for including less than an entire county.
- Designation decisions should not provide any incentives for avoiding installation of monitors.
- A county without a violating monitor that is contiguous to a nonattainment area and includes a large emissions source or significant emission sources, whether pending or actual sources, should be presumed to be contributing to the nonattainment area. Such a county should be designated nonattainment unless the sources have in place or are in the process of actually installing Federally enforceable emission controls, and the source or sources are not subject to a trading program. The Federally enforceable controls must be among the most stringent controls that are used on that type of source category.

We have reviewed your supporting information which focused on the 11 factors outlined in our guidance to modify the presumptive nonattainment area. Missouri's recommendation for the St. Louis nonattainment area included five out of the seven areas in the Missouri portion of the St. Louis CMSA. The recommendation did not include any counties adjacent to the CMSA. We intend to modify your recommendation to include St. Genevieve County in the designation. Data provided by the State of Missouri and additional analyses conducted by the EPA, Region 7 indicate that emissions from existing facilities and from projected future growth in St. Genevieve County potentially contribute to the ozone concentrations in the St. Louis area. The enclosure to this letter provides a table in which we identify the counties that should be included in each nonattainment area. Additional detail on our modification is also included.

Working to identify areas in attainment or in nonattainment is an important step in our commitment to achieving clean air in the Region. I am pleased with the progress in improving

air quality for the citizens of Missouri. We look forward to a continued dialog with Missouri before we reach a final decision on the designations for the 8-hour ozone standard next spring. We appreciate your efforts and will carefully review any future supporting information that Missouri wishes to submit on these recommendations. If you should have any questions, please do not hesitate to call me at (913) 551-7006 to further discuss this mater. Alternately, you may contact Art Spratlin of my staff, who may be reached at (913) 551-7401.

Sincerely,

A handwritten signature in cursive script, reading "James B. Gulliford". The signature is written in dark ink and is positioned above the printed name and title.

James B. Gulliford
Regional Administrator

Enclosure

cc: Mrs. Leanne Tippet
Missouri Department of Natural Resources

ENCLOSURE

The following table identifies the individual areas within the St. Louis, Missouri, area that the EPA intends to designate as nonattainment. Following the table is a description of areas where the EPA intends to modify the Missouri recommendation and the basis for such modification.

Individual Designated Nonattainment Area	Missouri Recommended Nonattainment Counties	EPA Recommended Nonattainment Counties
St. Louis, MO-IL	St. Charles, St. Louis, Franklin, and Jefferson Counties and St. Louis City	St. Charles, St. Genevieve, St. Louis, Franklin, and Jefferson Counties and St. Louis City

Modification to Missouri's Recommendations

1. St. Louis Nonattainment Area

We intend to modify the State's recommendation to include St. Genevieve County with the St. Louis nonattainment area. While this county is outside of the presumptive boundary, the Agency's designation principles state that a county without a violating monitor that is contiguous to a nonattainment area and includes a large emissions source or significant emission sources, whether potential or existing sources, should be presumed to be contributing to the nonattainment area. Such a county should be designated nonattainment unless the sources have in place or are in the process of actually installing Federally enforceable emission controls, and the source or sources are not subject to a trading program. The Federally enforceable controls must be among the most stringent controls that are used on that type of source category. St. Genevieve County is adjacent to the presumptive nonattainment area. Due to potential major point source growth in the near term, NO_x emissions are expected to grow by at least 10,670 tons per year. Due to predominant winds, emissions likely contribute to air quality in the St. Louis area. The submittal does not adequately address the level of control of larger sources in the county. Upon review of the current Missouri submittal relative to the 11 factors (particularly meteorology, modeling, level of control, and/or location of the sources), the EPA, Region 7 has determined that Missouri has not established a convincing position that St. Genevieve County should be excluded because of the existence of unaddressed large, potential, and existing emissions sources lacking Federally enforceable state-of-the-science emission controls that are among the most stringent used on that type of source category. If you would like to provide additional information about the area in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final designations by April 15, 2004.